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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,730

08/09/2005

William R Blackwood

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137 7590 06/23/2008  
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EXAMINER

OJURONGBE, OLATUNDE S

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

06/23/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents.admin@dowcorning.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,730	<b>Applicant(s)</b> BLACKWOOD ET AL.	
	<b>Examiner</b> OLATUNDE S. OJURONGBE	<b>Art Unit</b> 1796	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Response to Amendment*

1. The Amendment filed 10 April 2008 has been entered. Claims 1-8 and 10-18 remain pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

**Claims 1- 8 and 10-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US 4,212,897).

Regarding **claim 1**, Young et al discloses a composition (Abstract, line 1) consisting:

- an organopolysiloxane containing hydroxyl groups (Abstract, lines 3-4); this serves as component (A) of the instant claim,
- a hydrolysable organic titanium compound or a partial hydrolyzate thereof (Abstract, lines 5-6); this serves as component (C) of the instant claim,

Young et al further exemplifies the components of the composition (Example XIII, col. 16, lines 45-53) :

- 10g siloxane copolymer X2-5056 (col.16, lines 50-51), this serves as component (A) of the instant claim,
- 10g dimethylpolysiloxane fluid (col.16, line 52); this serves as component (B) of the instant claim,

- 10 g tetraisopropyl titanate (col.16, line 49); this serves as component (C) of the instant claim.

Though the organopolysiloxane containing hydroxyl groups of example XIII does not disclose  $\text{RSiO}_{3/2}$  units, Young et al further discloses that the polysiloxane may be predominantly a monoorganopolysiloxane (col.2, lines 37-38); therefore, substituting the siloxane copolymer X2-5056 of example XIII with a polysiloxane that is predominantly monorganopolysiloxane (in the disclosed amount) would have amounted to nothing more than the use of a known element for its intended use in a known environment in order to achieve entirely expected result.

Regarding **claims 2-3**, modified Young et al discloses all the claim limitations as set forth above. Though Young et al does not explicitly disclose the R on the monoorganopolysiloxane being methyl, since the disclosed R on the siloxane copolymer X2-5056 (col.16, lines 50-51) is methyl, it would have been obvious to one of ordinary skill in the art to use a monoorganopolysiloxane with methyl.

Regarding **claims 4-5**, modified Young et al discloses all the claim limitations as set forth above. The R on the disclosed dimethylpolysiloxane (col.16, line 52) is methyl.

Regarding **claims 6-8**, modified Young et al discloses all the claim limitations as set forth above. The disclosed tetraisopropyl titanate (col.16, line 49) conforms to the

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formula of the metal alkoxide of the instant claim, where M is titanium and each R<sup>4</sup> is isopropyl.

10g of tetraisopropyl titanate is 100 parts per 100 part of the monoorganopolysiloxane.

Regarding **claims 10-12 and 16**, modified Young et al discloses all the claim limitations as set forth above and further discloses the composition containing 30g perchloroethylene (col.16, line 53).

30g perchloroethylene is 300 parts per 100 part of the monoorganopolysiloxane.

Regarding **claim 13**, Young et al discloses a solution (col.16, line 47) prepared by mixing (col.16, line 55):

- 10g siloxane copolymer X2-5056 (col.16, lines 50-51), this serves as component (A) of the instant claim,
- 10g dimethylpolysiloxane fluid (col.16, line 52); this serves as component (B) of the instant claim,
- 10 g tetraisopropyl titanate (col.16, line 49); this serves as component (C) of the instant claim.

Though the siloxane copolymer X2-5056 does not disclose RSiO<sub>3/2</sub> units, Young et al further discloses that the polysiloxane may be predominantly a monoorganopolysiloxane (col.2, lines 37-38); therefore, substituting the siloxane copolymer X2-5056 of example XIII with a polysiloxane that is predominantly

monorganopolysiloxane (in the disclosed amount) would have amounted to nothing more than the use of a known element for its intended use in a known environment in order to achieve entirely expected result.

Regarding **claims 14-15 and 18**, modified Young et al discloses all the claim limitations as set forth above and further discloses applying the composition of the invention to a large number of substrates, including wood (col.6, lines 27-28 and col.6, line 42).

Regarding **claim 17**, modified Young et al discloses all the claim limitations as set forth above and further discloses mixing 30g perchloroethylene (col.16, line 53).

### ***Response to Arguments***

3. Applicant's arguments, filed 10 April 2008, with respect to claims 1-8 and 10-18 have been fully considered and are persuasive. The rejection of 01/10/2008 has been withdrawn.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLATUNDE S. OJURONGBE whose telephone number

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is (571)270-3876. The examiner can normally be reached on Monday-Thursday, 7.15am-4.45pm, EST time, Alt Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.S.O

/Randy Gulakowski/

Supervisory Patent Examiner, Art Unit 1796